

August 22, 2019

BY ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Request for Waiver of the Wireline Telephone Volume Control Reset Rules*, CG Docket No. 18-307

Dear Ms. Dortch:

Pursuant to the procedures outlined in the Public Notice of *Notice of New Docket and Filing Procedures for Requesting Waiver of Wireline Telephone Volume Control Reset Rules* in the above-referenced docket,¹ CaptionCall, LLC (“CaptionCall”) requests a waiver, on a streamlined basis, of both Section 68.317(g) and Section 68.317(h) of the Commission’s rules.² Specifically, CaptionCall seeks this streamlined waiver for its 78T Internet Protocol Captioned Telephone Service (“IP CTS”) device (the “Device”).³

The Commission’s Hearing Aid Compatibility Volume Control rule establishes maximum allowable amplification for telephones and other wireline devices.⁴ The rule permits amplification above applicable thresholds only if such devices automatically reset to lower amplification levels when hung up.⁵ This rule is intended to minimize the likelihood that individuals with normal hearing will experience harm from using a telephone after someone else has increased the volume beyond a safe level. The Commission has acknowledged, however, that this volume reset requirement may not be appropriate for consumers with hearing loss who regularly require

¹ 33 FCC Rcd 11,598 (CGB 2018) (“*Waiver PN*”); see also *In re Tandy Corporation, Walker Equipment Co., Ameriphone, Inc., and Ultratec, Inc. Request for Waiver of Volume Control Reset*, 47 C.F.R. § 68.317(f), Memorandum Opinion and Order, 16 FCC Rcd 5253 (CGB NSD Network Services Division 2001) (“*Tandy Waiver Order*”).

² 47 C.F.R. § 68.317(g), (h).

³ The Device supports both public switched telephone network (“PSTN”) and Voice over Internet Protocol (“VoIP”) services and therefore qualifies as a PSTN telephone and as ACS Telephonic CPE. See *In re Request for Waiver of the Hearing Aid Compatibility Volume Control Reset Rules, ClearCaptions, LLC*, Order, 33 FCC Rcd 11,602, 11,605 ¶ 8 (CGB 2018) (“*ClearCaptions Waiver Order*”).

⁴ 47 C.F.R. § 68.317. The rule applies to telephones manufactured before February 28, 2020 as well as telephones and wireline VoIP devices manufactured after February 28, 2020.

⁵ 47 C.F.R. § 68.317(a)(1)-(2); see also *id.* § (b)-(h). The applicable thresholds are either 18 decibels (“dB”) of “receive gain” or 24 dB of “Conversational Gain” for pre-2020 telephones; and 24 dB of “Conversational gain” for post-2020 telephones and wireline VoIP devices. The Commission has explained that “[w]aivers of both [standards] may be needed for a telephone model that is manufactured . . . both before and after February 28, 2020.” *Waiver PN*, 33 FCC Rcd at 11,599 n.11.

amplification above the maximum allowed level.⁶ To accommodate for such devices, the Commission has adopted a streamlined waiver process.⁷

To provide services to consumers with hearing loss, CaptionCall seeks to include a volume control override mechanism for the Device so that persons with hearing loss can set a default volume above the maximum allowed level and not have to turn the volume back up each time they use it. A streamlined waiver for the Device is in the public interest and should be granted because it will allow CaptionCall to continue providing such consumers with devices that best meet their needs. Consistent with precedent, this request should be granted on a streamlined basis expeditiously.⁸

In accordance with the Commission's streamlined waiver process for such requests,⁹ I certify that the Device complies with the following five safety conditions:

- (1) The volume reset override switch will be labeled as such and will be located on the Device in such a way as to not be accessible to accidental engagement.
- (2) A bright indicator light will be prominently displayed on the front of the Device and will light up when the override is engaged and the telephone is placed in an off-hook condition.
- (3) Next to the light will be a warning that the amplification is at a high level.
- (4) A caution on the use of the volume reset override switch will be included in the Device's user manual.
- (5) The Device shall include a warning printed in Braille that can be securely attached to the back of the handset to indicate that a high-volume setting may be engaged.

⁶ *Waiver PN*, 33 FCC Rcd at 11,599; *see also Tandy Waiver Order*, 16 FCC Rcd at 5254, 5257-58 ¶¶ 3-4, 13-15.

⁷ *Waiver PN*, 33 FCC Rcd at 11,599-600.

⁸ *See In re Requests for Waiver of the Hearing Aid Compatibility Volume Control Reset Rules, Ultratec, Inc.*, Order, 33 FCC Rcd 11,736, 11,738 ¶¶ 7-8 (CGB 2018) ("*Ultratec Waiver Order*"); *ClearCaptions Waiver Order*, 33 FCC Rcd at 11,604-05 ¶¶ 7-8.

⁹ *Waiver PN*, 33 FCC Rcd at 11,599-600; *see also Ultratec Waiver Order*, 33 FCC Rcd at 11,738-39 ¶¶ 6, 9; *ClearCaptions Waiver Order*, 33 FCC Rcd at 11,604-05 ¶¶ 6, 9.

On behalf of CaptionCall, I am responsible for the truthfulness of this request regarding the 78T IP CTS device and hereby certify that the foregoing representations concerning the Device are true and correct.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Michael D. Holm", is written over a horizontal line.

Michael D. Holm
CTO
CaptionCall, LLC
4215 S. Riverboat Road
Salt Lake City, Utah 84123